

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 3 SEP 1993

APPLICATION NO(s). 713 of 1993.

Applicant(s) Y.Venkatappa v/s. Respondent(s) Secretary, Ministry
of Railways, N.Delhi & Others.

To

1. Sri.Y.Venkatappa, S/o.Venkatrangaiah, Gangman, Engineering/PWI/YPR
Department, Yeshwantapur Railway Station, Bangalore.
2. Sri.K.Ramadasan, Advocate, 306, Subedarchatram Road, Bangalore-9.
3. Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
4. The General Manager, Southern Railway, Park Town, Madras.
5. The Divisional Railway Manager, Southern Railway, City Railway
Station, Bangalore City.
6. Additional Divisional Railway Manager (Estate Officer), Southern
Railway, City Railway Station, Bangalore City.
7. Divisional Engineer, Southern Railway, City Railway Station,
Bangalore City.
8. Assistant Engineer, SBD/South, Southern Railway, City Railway Station,
Bangalore City.
9. Divisional Personnel Officer, Southern Railway, City Railway Station,
Bangalore City.

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 24-08-93.

Issued
6/9/93

for *8/9/93*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYFOURTH DAY OF AUGUST, 1993

Present: Hon'ble Shri S. Gurusankaran, Member(A)

Hon'ble Shri A.N. Vujjanradhya, Member(J)

APPLICATION NO.713/1993

Y. VENKATAPPA

Son of Shri Venkat Rangaiah
Gangman, Department: Engineering/PWI/YPR
Yeshwantapur Railway Station
Bangalore.

... Applicant.

(Shri K. Ramadasan, Advocate)

Vs.

1. Union of India by
Ministry of Railways
Government of India
New Delhi by its Secretary.

2. The General Manager
Southern Railway
Park Town, Madras.

3. Divisional Railway Manager
Southern Railway
City Railway Station
Bangalore City.

4. Additional Divisional Railway Manager
(Estate Officer), Southern Railway
City Railway Station, Bangalore City.

5. Divisional Engineer
Southern Railway
City Railway Station
Bangalore City.

6. Assistant Engineer
SBC/South, Southern Railway
City Railway Station
Bangalore City.

7. Divisional Personnel Officer
Southern Railway
City Railway Station
Bangalore City.

... Respondents

This application having come up for hearing
before the Tribunal today, Hon'ble Shri S. Gurusankaran,
Member(A), made the following:

O R D E R

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant is aggrieved by the order dated 8.5.1993 of the Estate Officer directing the applicant to vacate the quarter occupied by him unauthorisedly within 15 days and the order dated 20.8.1993 (Annexure-A5) issued by the AEN (South), Bangalore, passed in pursuance of the Estate Officer's order dated 28.5.1993 directing the applicant to vacate the quarter no.83/C/YPR before 25.8.1993 failing which he will be evicted from the same on 25.8.1993 at 10.00 hrs. The applicant has prayed for setting aside the orders dated 8.5.1993 and 20.8.1993.

2. We have heard the learned counsel for the applicant.

We find that the eviction order has been issued after following the correct procedure. Vide order dated 17.2.1993 (Annexure-A3) the allotment of the quarter has been cancelled forthwith and he was given 15 days time to vacate the quarter. In spite of this the applicant has not submitted any written representation against the cancellation of the allotment of the quarter to the competent authority except as per his averment that he made certain oral representations before the Assistant Engineer. Similarly, also even after the issue of the notice of the Estate Officer dated 8.5.1993, we do not find any material placed before us to indicate that the applicant appeared before the Estate Officer to plead his case. Consequently, the order passed by the Estate Officer dated 28.5.1993 evicting the applicant cannot be faulted. Even after passing this order, the respondents have taken nearly 3 months to issue the final eviction order on the applicant and only on receipt of the same, the applicant has immediately rushed to this Tribunal

...3/-

to file this application. As per the provisions of the Administrative Tribunals Act, 1985, the applicant has to exhaust all the statutory remedies available to him before he can approach this Tribunal for relief. In fact in the application there is no such averment to the effect that the statutory remedies available to the applicant have been availed off before filing this application. We also find that the order of cancellation dated 17.2.1993 has also been not challenged for setting aside in the relief prayed for by the applicant. In view of this, the applicant has to fail, since he has not made sufficient grounds to even make out a prima facie case for admitting this application.

3. However, the learned counsel strongly pleaded that the applicant is illiterate and has got a disabled wife and 4 children. He submitted that if the applicant is evicted, he has no place to stay and he will be put into serious difficulties. Be that as may be, this Tribunal finds that the application does not make sufficient grounds even prima facie for admission.

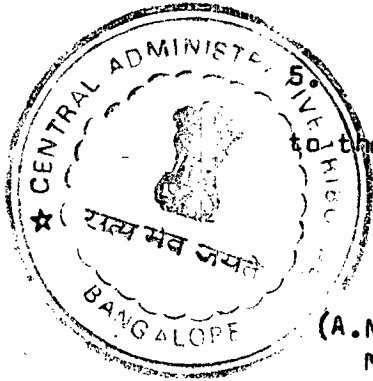
In view of the above, this application is disposed off at the admission stage itself as not maintainable in the present form. However, taking the facts and circumstances of the case, the respondents are directed not to evict the applicant for a period of 14 days from today only.

In the meantime, the applicant, if he so desires, should make an appropriate representation ^{within 2 days} giving all the facts of the case to the competent authority who should take a final decision on the representation before enforcing the eviction order dated 20.8.1993. In case, the applicant is aggrieved by the



passing of any such order, he will be at liberty to
the matter
agitate/in the appropriate forum in accordance with law.

The application is disposed off accordingly.



A copy of the order may be given Dasti
to the learned counsel for the applicant.

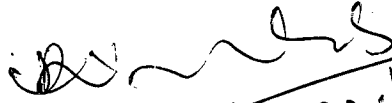
Sd-

(A.N. VIJANARADHYA)
MEMBER (J)

Sd-

(S. GURUSANKARAN)
MEMBER (A)

TRUE COPY


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

22/8/93